

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4752 of 2018

Arising Out of PS. Case No.-105 Year-2018 Thana- MAHKAR District- Gaya

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1. Baleshwar Mahtoand Son of Late Prayag Mahato
 2. Ganesh Prasad Singh Son of Late Prayag Mahtato Both are Resident of Village-Pathra,Police Station Mahakar,Distt.-Gaya

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No-2

For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 25-01-2019

Learned counsel for the appellants seeks permission to withdraw the application against the appellant no.1 (Baleshwar Mahto) since he has been arrested during the pendency of the application against him, as such this application against the appellant no.1 is dismissed as withdrawn.

So far appellant no.2 (Ganesh Prasad) is concerned, by way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellant seeks for setting aside the order dated 19.11.2018 passed in ABP No.221 of 2018 arising out of Mahakar P.S.Case No.105 of 2018 for the offences punishable under Sections 323, 506, 420, 467, 468 of the Indian Penal Code and Section 3(d)(r)(w) of SC/ST Act by the learned Exclusvie Special Judge, SC/ST Act, Gaya whereby and where-under, the appellant's application for grant of anticipatory bail has been rejected.

Allegation against the appellant is that he sold the government land to the informant.



Submission of the learned counsel for the appellant is that co-accused Baleshwar Mahhto has sold the land to the informant, later on he was arrested and before the Special Judge he assured to return the money and on that ground the bail has been granted to Baleshwar Mahto by the Special Judge and the appellant no.2 is the brother of Baleshwar Mahto.

Hard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed and the impugned order is set aside, let the appellant no.2, above named, in the event of his arrest or surrender before the learned Special Judge within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST Act, Gaya in connection with ABP No.221 of 2018 arising out of Mahakar P.S.Case No.105 of 2018, subject to condition as laid down under Section 438 of Cr.P.C.

(Vinod Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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